REMARKS

The present application was filed on December 28, 2001 with claims 1-49. Claims 1-49 remain pending and claims 1, 34, 41, 46, and 48 are the pending independent claims. Independent claims 1, 34, 41, 46, and 48 have been amended. In this response, claims 8-10, 13-16, 21-27, 29-30, 33, 35-40, 42-45, 47, and 49 have been canceled without prejudice and Applicants preserve their right to file one or more continuing applications directed toward the canceled claims.

In the outstanding Office Action dated July 2, 2007, the Examiner: (i) rejected claims 1-4, 12, 28-30, 34, 35, 38, 39, and 49 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,931,908 to Gerba et al. (hereinafter "Gerba") in view of U.S. Patent Publication No. 2005/0132295 to Noll et al. (hereinafter "Noll"); (ii) rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Noll, and further in view of U.S. Patent No. 6,240,555 to Shoff et al. (hereinafter "Shoff"); (iii) rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Noll, and further in view of Shoff; (iv) rejected claims 7-10 and 32 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Noll, and further in view of U.S. Patent No. 6,944,228 to Dakss et al. (hereinafter "Dakss"); (v) rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Noll, and further in view of U.S. Patent No. 6,711,552 (hereinafter "Kay"); (vi) rejected claims 13, 15, and 16 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Noll, and further in view of U.S. Patent Publication No. 2004/0015986 to Carver et al. (hereinafter "Carver"); (vii) rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Noll, Carver, and further in view of U.S. Patent Publication No. 2005/0015796 to Bruckner et al. (hereinafter "Bruckner"); (viii) rejected claims 17 and 18 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Noll, and further in view of U.S. Patent No. 6,421,726 to Kenner et al. (hereinafter "Kenner"); (ix) rejected claim 19 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Noll, Kenner, and further in view of U.S. Patent Publication No. 2002/0016965 to Tomsen et al. (hereinafter "Tomsen"); (x) rejected claims 20, 22, 23, 25, 26 and 31 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Noll, and further in view of U.S. Patent No. 5,878,141 to Daly et al. (hereinafter "Daly"); (xi) rejected claim 21 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Noll, Daly, and further in view of Tomsen; (xii) rejected claim 24 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Noll, Daly, and further in view of U.S. Patent Publication No.

2005/0235318 to Grauch et al. (hereinafter "Grauch"); (xiii) rejected claim 27 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Noll, Daly, and further in view of U.S. Patent Publication No. 2002/0053076 to Landesmann et al. (hereinafter "Landesmann"); (xiv) rejected claims 33 and 40 under 35 U.S.C. §103(a) as being unpatentable over Tomsen in view of Noll; (xv) rejected claims 36 and 37 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Noll, and further in view of Tomsen; (xvi) rejected claims 41 and 42 under 35 U.S.C. §103(a) as being unpatentable over Carver in view of Noll; (xvii) rejected claims 43-45 under 35 U.S.C. §103(a) as being unpatentable over Carver in view of Noll, and further in view of U.S. Patent Publication No. 2002/008344 to Blasko et al. (hereinafter "Blasko"); (xviii) rejected claims 46-48 under 35 U.S.C. §103(a) as being unpatentable over Tomsen in view of Noll. Applicants respectfully request reconsideration of the present application in view of the remarks below.

In response to the Examiner's §103 rejections, Applicants have amended claim 1 to recite "wherein the at least one central system processor is further operative to add interactive advertising content to non-interactive advertising content for a period of time defined by at least one local merchant offer, wherein the at least one central system processor is further operative to route the request data to the at least one local merchant using at least one advertisement identifier." Support for this amendment can be found in the specification at page 12, last paragraph, to page 13, first paragraph, and page 15, first full paragraph.

Independent claim 1 now recites an apparatus for controlling interactive television offerings over a transaction-enabled broadcast network, the apparatus comprising at least one central system processor of a multi-service operator, operative to receive broadcast content from a broadcast content source, process the broadcast content, transmit said processed broadcast content over said network to a viewer, receive request data over said network from said viewer, said data being transmitted by said viewer in response to said processed broadcast content, and process said request data wherein the at least one central system processor of a multi-service operator is further operative as a central point of control for said request data or interactive content contained within said broadcast content, the at least one central system processor collects information about viewer transactions for commerce purposes, wherein the at least one central system processor is further operative to add interactive advertising content to non-interactive advertising content for a period of time defined by at least one local merchant offer, wherein the at least one central system processor is further operative to route

the request data to the at least one local merchant using at least one advertisement identifier. The apparatus further comprising memory, operatively coupled to the central system processor of a multi-service operator, for storing at least a portion of data related to at least one of the receiving, transmitting and processing steps.

Furthermore, with regard to the §103(a) rejections, Applicants initially note that a proper case of obviousness requires that the cited references when combined must "teach or suggest all the claim limitations," and that there be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references or to modify the reference teachings. See Manual of Patent Examining Procedure (MPEP), Eighth Edition, August 2001, §706.02(j).

Applicants submit that the Examiner has failed to establish a proper case of obviousness in the §103(a) rejection of claims 1-4, 12, 28-30, 34, 35, 38, 39, and 49 over Gerba and Noll, in that the Gerba and Noll references, even if assumed to be combinable, fail to teach or suggest all the claim limitations, and in that no cogent motivation has been identified for combining the references or modifying the reference teachings to reach the claimed invention.

In an illustrative embodiment of the invention, FIG. 2 show one possible embodiment of the basic steps performed by a controller of the invention. In step 202, broadcast content is received from a broadcast content source. In step 204, the broadcast content is processed. In step 206, the processed broadcast is transmitted over the network to a viewer. In step 208, the controller receives request data from a viewer. The request data is transmitted by the viewer in response to receiving the processed broadcast content. In step 210, the request data from the viewer is processed by the controller 100.

In an additional illustrative embodiment, FIG. 1 shows a controller 100 in accordance with the present invention. In processing broadcast content, the controller can, for example, manage, add to, or modify the broadcast content. For example, the controller can add interactive content to an advertisement that was not originally an interactive ad. The processor can also redirect network traffic to the appropriate server for local fulfillment of goods and services which are advertised in broadcast ads, and which are purchased through interactivity with those ads. In processing data received from the viewer, the controller can, for example, tabulate purchasing history information, store credit card and ship-to information of the viewer, and verify the identification of the viewer.

The controller can also be operatively configured to tabulate commerce transactions occurring over the network.

Further, ads or programs which are not originally created for interactivity (i.e. simple video/audio content) are made interactive by the controller 100. An authoring toolset such as IBM HotMediaTV™ can be used to enrich the video/audio content of the program or advertisement, to add interactive data to it. Clearly, the advertiser or program sponsor must agree to have their content enhanced in this way, and business methods are provided herein to cover this situation. The advertiser would contract with the network operator to have their ads enhanced with interactive content for a given time period. One advantage to this method versus creating a fixed-content interactive ad is that the added content can change over time. For example, an advertiser who is running a limited time sale can have the interactive content reflect this time limit, and then go back to airing the basic interactive content when the sale has expired. The controller 100 would receive the unenhanced ad from the content provider or advertiser and inject data into the broadcast stream at the time the ad was scheduled.

In addition, based on business agreements, the controller 100 can route user transactions. "Redirect URLs" are specified and stored in the controller 100 in order to map the URL from the broadcast ad to the appropriate local server. When the user interacts with the advertisement, typically by pressing a key on the remote control and using the telephone line for a return channel, the controller 100 recognizes the advertisement by use of a unique ad identifier and maps it to a local server.

The Examiner in formulating the §103(a) rejection of claim 1 argues that each and every one of the above-noted limitations is met by the collective teachings of Gerba and Noll. Below, Applicants explain how such portions of Gerba and Noll fail to teach or suggest what the Examiner contends that they teach or suggest. While Applicants may refer from time to time to each reference alone in describing its deficiencies, it is to be understood that such arguments are intended to point out the overall deficiency of the cited combination.

Gerba fails to teach the subject matter recited in claim 1. First, the Examiner concedes that Gerba is silent on the central system processor that collects information about viewer transactions for commerce purposes. Applicants reiterate this point and further argue that Gerba generally fails to teach a central system processor that can control interactive television offerings over a transaction-

enabled broadcast network. At most, Gerba discloses a transaction processor that "may be coupled to internet servers, databases, computer networks and other components to facilitate the implementation of the various overlay functions selected by users." (Gerba, col. 9, lns. 7-11). Applicants assert that Gerba's disclosure fails to teach a central system processor.

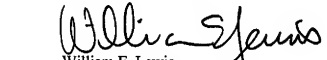
In addition, Applicants assert that Gerba fails to teach a central system processor that adds interactive advertising content to non-interactive advertising content for a period of time defined by at least one local merchant offer. Further, Gerba fails to teach a central system processor that routes request data to the at least one local merchant using at least one advertisement identifier. Generally, Gerba does not disclose commerce transactions or interactive advertisements and therefore, Gerba fails to teach all the claim limitations of claim 1.

With regard to Noll, Applicants respectfully assert that Noll fails to remedy the deficient teaching of Gerba. First, Applicants argue that Noll teaches delivering content with regard to virtual channels. Therefore, Applicants assert that Noll discloses information which is exclusive to the internet and therefore, Noll does not teach controlling interactive television offerings over a transaction-enabled broadcast network as recited in claim 1. Furthermore, as amended, Noll does not teach a central system processor that adds interactive advertising content to non-interactive advertising content for a period of time defined by at least one local merchant offer. Nor does Noll teach a central system processor that routes request data to at least one local merchant using at least one advertisement identifier. For at least these reasons, independent claim 1 is not obvious in light of Gerba and Noll and therefore claim 1 is patentable. It follows that independent claims 34, 41, 46, and 48 are patentable because they recite amended subject matter similar to independent claim 1.

In regard to the §103(a) rejections of the remaining dependent claims as being unpatentable over the references distinguished above in view of multiple secondary references, Applicants assert that the multiple secondary references fail to remedy the deficiencies of the references distinguished above. Thus, remaining dependent claims are patentable at least by virtue of their dependency from the various independent claims and also recite patentable subject matter in their own right. Accordingly, Applicants therefore respectfully request withdrawal of the §103(a) rejections.

In view of the above, Applicants believe that the pending claims are in condition for allowance, and respectfully request withdrawal of the §103 rejections.

Respectfully submitted,



Date: October 2, 2007

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